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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Eric Julien

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EXAMINER

DILEVSKI, BORCE

ART UNIT

PAPER NUMBER

2419

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/561,786	<b>Applicant(s)</b> JULIEN, ERIC	
	<b>Examiner</b> BORCE DILEVSKI	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-7 are amended. Claims 8-16 are new.

### ***Response to Arguments***

2. Examiners objections to the drawings and specifications are withdrawn in light of applicants amendments.
3. Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 10 and 13** recite the limitation "in the MTPS layer" in line 3 of each claim.

There is insufficient antecedent basis for this limitation in the claim.

**The specification neither mentions or describes any specific "MTPS layer"**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1, 3-5, 7-8, 11-12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/35205 to Garcia-Martin further in view of US Patent US 6,590,965 B1 to Poole et al.

**As per claim 1. Garcia-Martin teaches a method comprising:**  
**receiving a message from an originating network element at an interface of a service application, wherein the service application interfaces with both a Signaling System 7 (SS7) network and an Internet Protocol (IP) network, and wherein the message includes a point code** (Garcia-Martin, Fig. 3, Page 3 Lines 33-38, Page 4 Lines 16-35, A method is described to transmit signaling information (message) between peer user/application parts (service application) where the information, including point codes, can be sent (interface) over an SS7 network or IP-network);

**accessing a network selection table comprised within a MT3 API level of a protocol stack to determine how to process the message, wherein the protocol stack comprises both a message transport part layer 3 (MTP3) layer and a MTP3 user adaptation layer (M3UA) layer** (Garcia-Martin, Fig. 3,

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Page 4 Lines 1-4, and Page 5 Lines 1-9, A look up table (network selection table) is used to determine how to process a message, this is done at MTP level 3. The protocol stack as can be seen from Fig. 3 has a MTP3 layer and an adaptation layer (M3UA layer));

**processing the message with the MTP3 layer if it is determined that the point code associated with the originating network element corresponds to the SS7 network** (Garcia-Martin, Page 3 Lines 36-38 and Page 4 Lines 1-4, The signaling information (message) is sent to a signaling point (SS7 network) if it is determined that it needs to do so); and

**processing the message with the M3UA layer if it is determined that the point code associated with the originating network element corresponds to the IP network** (Garcia-Martin, Garcia-Martin, Page 3 Lines 36-38 and Page 4 Lines 5-9, The signaling information (message) is sent on the IP network using the adaptation layer (M3UA) if it is determined that it needs to do so).

**But does not teach a message including a point code associated with the originating network element. However, a message including a point code from the originating network element is well known in the art.**

**Evidence showing this obviousness is referenced to Poole et al (Col. 11 Lines 50-54) which describes a message including an SS7 origination point code (OPC)**

**Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the point codes included in the message**

**of Garcia-Martin with the point code of the originating network element to assist with the routing of information.**

**As per claim 3, Garcia-Martin further in view of Poole et al teaches the method according to claim 1, wherein**

**the network selection table comprises entries that associate point codes with network types** (Garcia-Martin, Page 7 Lines 1-8, The look up table has entries that are modified after being used for one network type to include information regarding the other network type (point code and IP)).

**As per claim 4, Garcia-Martin in view of Poole et al teaches the method according to claim 3, wherein**

**the network selection table is populated automatically** (Garcia-Martin, Page 7 lines 17-24, There is an adaptation level that listens to predefined port numbers and monitors the availability (automatic) of MTP3 levels to keep track (populate table) of changes in the network types).

**As per claim 5, Garcia-Martin teaches a device comprising:**

**a communication interface configured to receive a message from an originating network element, wherein the device interfaces with both a Signaling System 7 (SS7) network and an Internet Protocol (IP) network, and wherein the message includes a point code** (Garcia-Martin, Fig. 3, Page

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3 Lines 33-38, Page 4 Lines 16-35, Page 5 Lines 17-30, It is described to transmit signaling information (message) between peer user/application parts (service application) where the information, including point codes, can be sent (interface) over an SS7 network or IP-network); **and**

**a computer-readable storage medium including computer-readable instruction stored therein that, upon execution by the processor, cause the device to** (Page 3 Lines 32-38 and Page 5 Lines 17-30, A device is described that uses applications (software) and performs processes (processor)):

**access a network selection table comprised within a MT3 API level of a protocol stack to determine how to process the message, wherein the protocol stack comprises both a message transport part layer 3 (MTP3) layer and a MTP3 user adaptation layer (M3UA) layer** (Garcia-Martin, Fig. 3, Page 4 Lines 1-4, and Page 5 Lines 1-9, A look up table (network selection table) is used to determine how to process a message, this is done at MTP level 3. The protocol stack as can be seen from Fig. 3 has a MTP3 layer and an adaptation layer (M3UA layer));

**process the message with the MTP3 layer if it is determined that the point code associated with the originating network element corresponds to the SS7 network** (Garcia-Martin, Page 3 Lines 36-38 and Page 4 Lines 1-4, The signaling information (message) is sent to a signaling point (SS7 network) if it is determined that it needs to do so); **and**

**process the message with the M3UA layer if it is determined that the point code associated with the originating network element corresponds to the IP network** ((Garcia-Martin, Garcia-Martin, Page 3 Lines 36-38 and Page 4 Lines 5-9, The signaling information (message) is sent on the IP network using the adaptation layer (M3UA) if it is determined that it needs to do so).

**But does not teach a message including a point code associated with the originating network element. However, a message including a point code from the originating network element is well known in the art.**

**Evidence showing this obviousness is referenced to Poole et al (Col. 11 Lines 50-54) which describes a message including an SS7 origination point code (OPC)**

**Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the point codes included in the message of Garcia-Martin with the point code of the originating network element to assist with the routing of information.**

**As per claim 7, Garcia-Martin further in view of Poole et al teach the device according to claim 5, wherein**

**the network selection table comprises entries that associate point codes with network types** (Garcia-Martin, Page 7 Lines 1-8, The look up table has entries that are modified after being used for one network type to include information regarding the other network type (point code and IP)).



**As per claim 8, Garcia-Martin further in view of Poole et al teach the device according to claim 7, wherein**

**the network selection table is populated automatically** (Garcia-Martin, Page 7 lines 17-24, There is an adaptation level that listens to predefined port numbers and monitors the availability (automatic) of MTP3 levels to keep track (populate table) of changes in the network types).

**As per claim 11, Garcia-Martin further in view of Poole et al teach the device according to claim 5, wherein**

**the device is not a signaling gateway** (Garcia-Martin, Page 5 Lines 17-30 and Page. 6 Lines 14-23, In the network described there are no signaling gateways used to perform the specified tasks).

**As per claim 12, Garcia-Martin further in view of Poole et al teach the device according to claim 5, wherein**

**the originating network element is a service switching point (SSP) or a message switching center (MSC)** (Garcia-Martin, Page 6 Lines 14-23, It is described that messages are sent from various network elements to others where a mobile switching center is an originating network element).

**As per claim 15, Garcia-Martin further in view of Poole et al teach the method according to claim 1, wherein**

**the service application is not a signaling gateway** (Garcia-Martin, Page 5 Lines 17-30 and Page. 6 Lines 14-23, In the network described there are no signaling gateways used to perform the specified tasks).

**As per claim 16, Garcia-Martin further in view of Poole et al teach the method according to claim 1, wherein**

**the originating network element is a service switching point (SSP) or a message switching center (MSC)** (Garcia-Martin, Page 6 Lines 14-23, It is described that messages are sent from various network elements to others where a mobile switching center is an originating network element)

6. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia-Martin and Poole et al further in view of US Patent US 6,868,268 B2 to Worsham et al..

**As per claim 2, Garcia-Martin further in view of Poole et al teach the method according to claim 1 and a service application** (Garcia-Martin, Page 3 Lines 33-38, A method is described to transmit signaling information (message) between peer user/application parts (service application)) **but does not teach comprising a home location register (HLR) or a service control point (SCP). However, Worsham et al teaches comprising a home location register**

**(HLR) or a service control point (SCP)** (Worsham et al, Col. 6 Lines 14-15, A home location register (HLR) is described that includes and SS7 database)

**Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the service application of Garcia-Martin with the home location register (HLR) of Worsham because the use of an HLR enables the identification and tracking of users information.**

**As per claim 6, Garcia-Martin further in view of Poole et al teach the device according to claim 5 but does not teach comprising a home location register (HLR) or a service control point (SCP). However, Worsham et al teaches comprising a home location register (HLR) or a service control point (SCP)** (Worsham et al, Col. 6 Lines 14-15, A home location register (HLR) is described that includes and SS7 database)

**Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the service application of Garcia-Martin with the home location register (HLR) of Worsham because the use of an HLR enables the identification and tracking of users information.**

7. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia-Martin and Poole et al further in view of US Patent Application Publication.2007/0220166 A1 to Lundstrom

**As per claim 9, Garcia-Martin further in view of Poole et al teach the device according to claim 7 and a network selection table (Garcia-Martin, Page 4 Lines 10-14, A look up table (network selection table) is described) but does not teach being populated manually. However, Lundstrom teaches manual population (Lundstrom, Par. 0016, A table is taught to be manually updated (populated))**

**Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the network selection table process of Garcia-Martin with the manual population of Lundstrom because manual population of a table will enable a system to handle unforeseen events that are not accounted for in automatic population.**

**As per claim 14, Garcia-Martin further in view of Poole et al teach the method according to claim 3 and a network selection table (Garcia-Martin, Page 4 Lines 10-14, A look up table (network selection table) is described) but does not teach being populated manually. However, Lundstrom teaches manual population (Lundstrom, Par. 0016, A table is taught to be manually updated (populated))**

**Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the network selection table process of Garcia-Martin with the manual population of Lundstrom because manual**

**population of a table will enable a system to handle unforeseen events that are not accounted for in automatic population.**

***Conclusion***

**8. Prior art made of record but not relied upon:**

US Patent US 6,515,997 to Feltner et al discloses a method and system for automatic configuration of a gateway translation function

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORCE DILEVSKI whose telephone number is

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(571)270-7154. The examiner can normally be reached on M-F 7:30AM - 5:00PM or Flexible.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Ryman can be reached on (571)272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BD

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